



MEMORANDUM

Agenda Item No. 7(O)(1)(C)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Waiver of Formal
Bid Procedures

RECOMMENDATION

It is recommended that the Board waive formal bid procedures for the purchase of goods and services and set aside two contracts pursuant to sections 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interest of the County.

BACKGROUND

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

Item 1.1 (Defibrillators Equipment, Accessories and Maintenance) is to provide new equipment, accessories, replacement parts, technical service, software upgrades and maintenance.

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. A bid waiver is when no competition was obtained, and negotiations took place with the vendor to formulate the contract.

Item 2.1 (High Speed Printers Maintenance and Repair Services) is to provide maintenance and repair services to high speed printers.

Section 3 COMPETITIVE BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County.

A "competitive" bid waiver is when bids, quotes or proposals were sought from multiple vendors and competition was obtained "in fact," although not adhering to all of the standards for full and open competition prescribed by Section 2-8.1 of the County Code and Administrative Order 3-38.

None

See Section 4, Contract Measures, below.

Section 4 CONTRACT MEASURES

Minority business measures are applied to the purchase of goods and services as determined by the County's Review Committee in accordance with the requirements of Administrative Orders 3-3, Black Business Enterprise Program; 3-17, Hispanic Business Enterprise Program; and 3-18, Women Business Enterprise Program. Upon approval of these contract measures by the Board, an invitation to bid will be issued among minority certified firms to establish a contract for the purchase of these items.

On September 24, 2003, the Review Committee determined that Group C of the contract for Personnel Agency Services, Item 4.1, be set aside for bidding solely among certified BBE firms and that a BBE bid preference be applied to Groups A, B and D.

Section 5 EMERGENCY PURCHASES

An emergency purchase under Administrative Order 3-38 is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in Administrative Order 3-38 including bid waiver. Whenever feasible, staff solicits at least three competitive quotes.

The emergency procedure was utilized for Item 5.1 (Wireless Video Surveillance System) to purchase and install a wireless video surveillance system.

Section 6 NONCOMPETITIVE CONTRACT MODIFICATIONS

A noncompetitive contract modification is when the requested supplemental allocation for goods or services exceeds the scope of the original contract award and allocation representing, therefore, a waiver of the competitive bidding process under Administrative Order 3-38 for the additional goods and services.

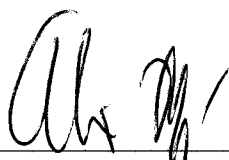
Authorization is necessary for additional spending authority for Item 6.1 (Blue Bird Bus Parts and Equipment) to allow GSA Fleet Management Division to continue to provide maintenance for the fleet of Blue Bird buses operated by Miami-Dade Transit.

Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners
Page 3

Section 7 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

Item 7.1 (LADS Laser Survey) is to retain surveying services of the sea bottom offshore.



Assistant County Manager




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(O)(1)(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(O)(1)(C)
12-4-03

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE
PURCHASE OF CERTAIN GOODS AND SERVICES AND
SETTING ASIDE ONE CONTRACT FOR BIDDING SOLELY
AMONG BBES AND AUTHORIZING THE COUNTY MANAGER
TO AWARD SAME AND EXECUTE OPTIONS TO RENEW

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of specific items and services which cannot be purchased under normal bid procedures;

WHEREAS, the County Manager and the Review Committee recommends to this Board that it is in the best interests of the County to set aside one contract for bidding solely among BBes as there are substantial disparities for BBes in the applicable relevant market segments, the opportunities provided by the contracts are appropriate for applying a set aside, and race neutral measures will not address effectively the demonstrated disparities in the market segments involved,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures for the purchase of specific goods and services and to set aside one contract for bidding solely among BBes and authorizes the County Manager to award such contracts and execute options to renew established thereunder, pursuant to Section 4.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.2 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. _____

Hugo Benitez

By: _____
Deputy Clerk

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for all the items listed in the package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interests of the County.

SECTION # 1
SOLE SOURCES

1.1

BID NUMBER:

SS7495-0/06

Title:

Defibrillators Equipment, Accessories and Maintenance

Description:

To establish a contract to purchase equipment, accessories and maintenance for the Medtronic Physio-Control Lifepak defibrillators.

Department(s)

Allocation(s)

Fire

\$1,135,258.53

Term of Contract:

Three years

Option(s) to Renew:

None

Vendor(s):

Medtronic Physio-Control Corp.

Estimated Contract Usage:

\$1,135,258.00 (This figure represents DPM's consolidation of two sole source contracts).

Review Committee

Recommendation:

No measure

Review Committee Date:

October 22, 2003; Item #2-08

Living Wage:

The services to be provided are a "covered service" under the ordinance and the Living Wage is included in the proposal.

Justification:

Authorization is necessary to establish a contract for all Fire Rescue Medtronic Physio-Control defibrillator devices. The contract will include new equipment, accessories, replacement parts, technical service, software upgrades, and preventive as well as accidental maintenance.

The Lifepak defibrillators are utilized to monitor, diagnose and treat patients experiencing cardiac problems and heart attacks.

Lifepak defibrillation equipment has become the standard in life-saving devices utilized by MDFR and MDPD for the past 25 years in order to interface uniformly with all of the County's fire, police and hospital equipment.

Although LifePak is the only equipment compatible with the County's equipment, new equipment is continually being evaluated. None, however, has proven to compare with the quality and reliability to the Lifepak devices.

Medtronic Physio-Control is the manufacturer and sole distributor of new equipment, accessories and replacement parts. It is also the only company certified to perform technical service, preventive and accidental maintenance and software upgrades.

The Department of Procurement Management engaged in direct negotiations with Medtronic Physio-Control Corp. which resulted in the following:

- 15% discount on all accessories; and
 - 17% discount on Lifepak 12 upgrades.
-

SECTION # 2
BID WAIVERS

2.1

BID NUMBER:

BW5793-3/04-OTR

Title: High Speed Printers Maintenance and Repair Services

Description: To replace the existing agreement to provide maintenance and repair services to high speed printers used to support the County's mainframe printing operations.

Department(s) Allocation(s)
ITD \$350,000.00

Term of Contract: One year

Option(s) to Renew: Three one-year options to renew

Vendor(s): OCE Printing Systems USA, Inc.

Estimated Contract Usage: \$350,000.00

Review Committee
Recommendation: No measure

Review Committee Date: April 16, 2003; Item #2-09

Living Wage: The services to be provided are a "covered service" under the ordinance and the Living Wage is included in the proposal.

Justification: Authorization is requested to establish a replacement contract to provide maintenance and repair services to three existing Model 2240 high speed printers located at the County's Regional Data Processing and Communications Center. All three of these specialized printers were purchased from OCE Printing Systems USA, Inc. (OCE) and have been continuously maintained by OCE.

While OCE, the original equipment manufacturer, has a small number of factory certified resellers of their products and services nationwide, its Boca Raton headquarter holds exclusive territorial rights to the South Florida area. It is, therefore, the exclusive provider of the

required maintenance and repair services in the South Florida area.

Although OCE authorized resellers of products and services exist for other types of OCE printers and plotters, none of them can service these specific "high-end" OCE machines. Based on this lack of availability of other qualified vendors, and on the County's need for the reliable, continuous operation of these units, we are presenting the item as a bid waiver.

The high speed printers and associated equipments are critical to County operations. These printers are in use 7 days a week/ 24 hours a day, and the maintenance must therefore, also cover 24/7 service, including holidays. The type of documents printed on these machines are of such importance that the County cannot afford to sustain extended down time.

These printers perform critical tasks including printing the County's payroll checks, the accounts payable vendor payment checks, court calendaring reports, jury summons, building and zoning notices, and property appraiser notices, as well as 70 million feet of paper reports produced annually for various County departments including financial, budget, and management reporting tools.

The Department of Procurement Management engaged in direct negotiations with OCE Printing Systems which resulted in the following:

- preserved the same prices for maintenance that have been in place since 1995;
 - limited future price adjustments not to exceed five percent (5%) per year for the three option years for maintenance; and
 - limited future price adjustments not to exceed fifteen percent (15%) for supplies.
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SECTION # 3
COMPETITIVE BID WAIVERS

None

SECTION # 4
CONTRACT MEASURES/REQUEST TO ADVERTISE

It is recommended that the Board of County Commissioners waive the use of formal competitive bids and apply contract measures under the Black Business Enterprise (BBE) Program (Ordinance 94-96) and approve the advertisement of the solicitation for the item listed below.

4.1

BID NUMBER: RQPM0300279

Title: Personnel Agency Services

Description: To purchase personnel agency services such as administrative secretary, word processing operators, automotive equipment operator, plant mechanic, plant electrician and semi-skilled laborers for use by the Water and Sewer Department. See the Classification List for **Groups A, B, C and D**, attached.

Department(s): MDWASD Estimated Allocation(s): \$6,000,000.00

Term of Contract: Two years

Option to Renew: Three one-year options to renew

Review Committee Date: September 24, 2003; Item #2-02

Review Committee Recommendation: BBE bid preference for **Groups A, B & D** in the amount of \$5,570,816.00.
BBE set aside for **Group C** in the amount of \$429,184.00.

Previous Contract Measure: 30% BBE sub-vendor goal for all groups.

Living Wage: The services to be provided are a "covered service" under the ordinance and the Living Wage is included in the solicitation document.

Planned Method of Award: Two low responsive, responsible bidders for each group with primary and secondary awards. While the award to two bidders assures availability, the primary vendor, as the established low bidder, will be given the first opportunity.

Estimated Advertisement Ten days after adopted by the BCC, unless vetoed by the
Date: Mayor.

CLASSIFICATION LIST

GROUP A

Accountant 2
Administrative Secretary
Buyer
Clerk 4
Account Clerk
Word Processing Operator 2
Customer Service Representative 2
Engineer I
Engineer 2
Engineer 3
Engineering Drafter 2
Graphics Supervisor
Systems Analyst Programmer 1
Systems Analyst Programmer 2
Systems Analyst 2
Computer Operator 1
Office Support Specialist 3
Word Processing Operator 3

GROUP B

Automotive Equipment Operator 2
Automotive Equipment Operator 3
W & S Backflow Prevention
Technician
Chemist 1
Construction Equipment Mechanic
W & S Construction Inspector
W & S Construction Inspector 2
Electrician
Engineering Aide 3
Meter Reader
Hydro Geologist 3
Maintenance Mechanic
Maintenance Repairer
Pipe Fitter
Plant Diesel Mechanic
Plant Electrician
Plant Mechanic
Plumber

GROUP B (con't)

Refrigeration NC Mechanic
W & S Service Technician 2
W & S Structural Maintenance
Worker
Treatment Plant Operator 2
W & S TV Technician 2

GROUP C

Cashier 2
Clerk 3
Office Support Specialist 2
Mail Center Clerk 1
Records Center Clerk 1
Telephone Console
Operator 2

GROUP D

Semi-skilled Laborer
Utility Supply Specialist 1

SECTION # 5
EMERGENCY PURCHASES

5.1

BID NUMBER:

E1684-PD

Title:

Wireless Video Surveillance System

Description:

To purchase and install a wireless video surveillance system.

Department:

MDPD

Allocation:

\$158,437.00

Term of Contract:

Upon completion (September 15, 2003 – October 1, 2003)

Review Committee

Recommendation:

No measure (due to insufficient availability).

Review Committee Date:

September 17, 2003; Item #2-05

Living Wage:

Not applicable (the services to be provided are not a "covered service" under the ordinance).

Vendor(s):

SMI Group, Inc. d/b/a XRAM

Estimated Contract Usage:

\$158,437.00

Justification:

Retroactive authorization to September 15, 2003 is necessary for the purchase and installation of a wireless video surveillance system to increase security measures during the Free Trade Area of the America's (FTAA) Conference to be held November 16, 2003 through November 21, 2003 as well as for use at other future conferences and crowd gathering events in Miami-Dade County.

Intelligence reports indicated to MDPD that the FTAA Conference will be protested. Similar economic conferences have been subject to attempts by splinter groups to violently disrupt the scheduled events and incur damage to both public and private property. Based on this

information, it was necessary to enter into this emergency purchase in order have a surveillance system delivered, installed, tested and fully operational by November 1, 2003 to provide the FTAA conference with the necessary safety and security.

In the performance of market research, MDPD established that the individual hardware components that comprise the total video system are available from multiple sources but that no company has integrated the various components into a comprehensive, outdoor, wireless system except for the system designed by SMI Group, Inc. d/b/a XRAM. To avoid unnecessary delays, this emergency purchase was issued.

SECTION # 6
NONCOMPETITIVE CONTRACT MODIFICATIONS

6.1

BID NUMBER: SS7045-2/07-OTR

Title: Blue Bird Bus Parts and Equipment

<u>Department(s):</u>	<u>Existing Allocation(s):</u>	<u>Additional Allocation(s):</u>	<u>Modified Allocation(s):</u>
GSA	\$ 99,500.00	\$319,000.00	\$418,000.00

Unallocated Funds:	\$ -0-	\$ -0-	\$ -0-
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Review Committee
Recommendation: No measure

Living Wage: None

Vendor(s): Florida Transportation Systems, Inc.

Type of Change: Increase in spending authority

Original Allocation: \$99,500.00 on February 14, 2002 commencing February 14, 2002 for a three-year period with two one-year options to renew.

Existing Allocation: Same

Increase By: \$319,000.00

Modified Allocation: \$418,500.00

Current Expiration: February 13, 2005

Modified Expiration: Same

Reason for Change: Authorization is requested for additional spending authority to allow GSA to continue to provide maintenance for the fleet of Blue Bird buses operated by Miami-Dade Transit.

After a competitive solicitation was issued and failed to provide any bids, this sole source contract was awarded in

February 2002 to Florida Transportation System, the original equipment manufacturer's (OEM) exclusive statewide representative.

At the time of award, there were only 20 Blue Bird buses in the MDT Fleet. Since then, an additional 113 Blue Bird buses have been added. Due to this growth, and the substantial increase in the ongoing maintenance operations performed by GSA for the Blue Bird portion of the MDT Fleet, the department is requesting an additional \$319,000 for Blue Bird bus parts and equipment through the expiration of this contract in February 2005.

SECTION # 7
CONFIRMATION PURCHASES

7.1

BID NUMBER:

CP RQDE0300007

Title:

LADS Laser Survey

Description:

To retain surveying services of the sea bottom offshore in connection with Miami-Dade County's Beach Erosion Control Program.

Department(s)

DERM

Allocation(s)

\$ 156,000.00

Term of Contract:

Upon completion

Option(s) to Renew:

None

Vendor(s):

Coastal Planning & Engineering Inc.

Estimated Contract Usage:

\$ 156,000.00

Review Committee

Recommendation:

No measure

Review Committee Date:

November 5, 2003; Item #1-02

Living Wage:

Not applicable (the services to be provided are not a covered service under the ordinance).

Justification:

Retroactive authorization to November 2002 is necessary for the purchase of Laser Airborne Depth Sounder (LADS) Laser Survey.

Coastal Planning & Engineering Inc is a subcontractor of Tenix LADS Inc. DERM partnered with the Florida Department of Environmental Protection and Palm Beach County to conduct an offshore hydrographic survey and develop a detailed bathymetric map of the submerged bottom offshore of Miami-Dade and Palm Beach counties.

The survey data and map is used for the beach erosion control program. The survey used high resolution airborne laser technology using aircrafts to fly the surveys. This survey was conducted as a cooperative project between Miami-Dade County, Palm Beach County, and the State of Florida.

Due to the logistical constraints in regards to reducing cost of mobilizing the aircraft, the survey was conducted during the same time frame as Palm Beach County. Since the work was necessary to be conducted in advance of the procurement process, it is required to provide payment to the vendor for completing the work.
